

10/18/93

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
 Alyeska Pipeline Service) Docket No. 1091-01-01-402
 Company, Permittee,)
)
 NPDES Permit No. AK-002324-B)

ORDER SETTING DATE FOR ANSWERS TO MOTION

The parties' September 29, 1993 letter announcing the schedule that they had "established" for the submissions of further pleadings is out of order. Parties do not establish schedules for responding to motions. Dates for responses to motions are governed by the EPA's rules of practice. To change those dates requires leave and approval of the presiding judge.

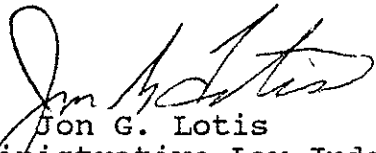
All parties have had an opportunity to present their arguments and respond to each other with respect to the issue in this case. Only one outstanding motion remains to be answered--EPA's August 25, 1993 motion seeking summary upholding of the NPDES permit issued to Alyeska Pipeline Service Company on December 14, 1990. Answers to that motion shall be filed with the undersigned on or before October 25, 1993--the date "established" by the parties. Late filings will not be accepted.

The other dates "established" in the parties' September 29 letter will not be adopted. Intervenor-Petitioner's June 15, 1993 motion for summary adjudication is responsive to Alyeska's September 9, 1992 motion to dismiss, joins the issue, and, in effect, constitutes an answer to that pleading. Similarly, Alyeska's August 13, 1993 motion in opposition to Intervenor-Petitioner's motion for summary determination is responsive to Intervenor-Petitioner's motion and constitutes an answer to that motion. Again, the issue is joined.

The parties' "established" date for the EPA to reply to any opposition to its motion for summary determination is rejected. The issue which is the subject of all of these pleadings has been fully explored, if not exhausted, by the parties in their papers

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which already consume one horizontal foot of file space. The case will be ripe for decision following the October 25, 1993 submission(s), if any.


Jon G. Lotis
Administrative Law Judge

Dated: October 18, 1993
Washington, D.C.

IN THE MATTER OF ALYESKA PIPELINE SERVICE COMPANY, Permittee
NPDES Appeal No. 91-10

CERTIFICATE OF SERVICE

I certify that the foregoing Order Setting Date For Answers To Motion, dated October 18, 1993, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

Marian Atkinson
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region X
1200 Sixth Avenue
Seattle, WA 98101

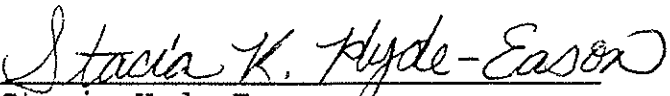
**Copy by Facsimile and by
Regular Mail to:**

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Copy by Regular Mail to:

Counsel for Intervenor-
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Stacia Hyde-Eason
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Administrative Law Judges
U.S. Environmental Protection
Agency
401 M Street, S.W.
Washington, D.C. 20460

Dated: October 18, 1993
Washington, D.C.